



Memorandum

August 8, 2017

TO: City Council
David M. Campbell, City Manager

FROM: Jeff D. Cameron, Public Works Director

SUBJECT: City of Longview E-Verify Policy and TWIC Trial Specifications

This staff report will provide information regarding the City's E-Verify Policy and the U.S. Citizenship & Immigration Service E-Verify Program and our current trial specification allowing Transportation Worker Identification Credentials (TWIC) as an alternative to E-Verify, as suggested at the July 27, 2017 city council meeting.

BACKGROUND

In 2011, the City Council asked the City Manager to research and present for Council's consideration, adopting a policy requiring City contractors to use the federal E-Verify program. On November 17, 2011, staff presented a report, policy and resolution for consideration. Several members of the public spoke in favor of the program, and the City Council unanimously approved Resolution No. 2005 and the E-Verify Policy.

WHAT IS E-VERIFY?

According to U.S. Citizenship & Immigration Services information:

- E-Verify is an electronic program through which employers verify the employment eligibility of their employees after hire. The program was authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).
- E-Verify is an Internet-based system that compares information from an employee's Form I-9 - Employment Eligibility Verification, to data from the U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.
- E-Verify is the only free, fast, online service of its kind that verifies employees' data against millions of government records and provides results within as little as three to five seconds.
- All employers are required to submit a Form I-9 for every employee hired. E-Verify is a higher level of employment eligibility verification and can help combat document fraud.

HOW E-VERIFY WORKS?

- The employee and employer fill out Form I-9 for Employment Eligibility Verification.
- The employer uses E-Verify to confirm Form I-9 Information.

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- E-Verify displays an initial case result within a few seconds, though some cases may require additional action.

BEFORE ENROLLMENT – WHAT TO DECIDE

- Who will electronically sign the E-Verify memorandum of understanding (MOU) on behalf of your company?
- Which **hiring sites** will participate in E-Verify?
- If you are a federal contractor with a contract containing the Federal Acquisition Rule E-Verify clause:
 - o Which employees will you verify?
 - o Which company location(s) will access E-Verify?
 - o Who in your company will have access to E-Verify?
 - o Who in your company should be a program administrator?

WHAT YOU NEED TO KNOW BEFORE ENROLLMENT

- Contact information for your company's E-Verify memorandum of understanding signatory
- Company name
- Doing business as "name" (optional)
- Data Universal Numbering System (DUNS) number (optional)
- The physical address of the location from which your company will access E-Verify (including county)
- Company mailing address (if different from the physical address)
- Employer identification number (also called a Federal Tax ID Number)
- Total number of employees for all of your company's hiring sites that will participate in E-Verify (selected from a range of numbers provided on the enrollment form)
- Parent organization (optional)
- Administrator name (E-Verify corporate account) (optional)
- The first three digits of your company's primary North America Industry Classification System (NAICS) code
- The number of **hiring sites** that will participate in E-Verify in each state

HIRING SITE(S)

According to the E-Verify User Manual:

A hiring site is the location where employees are hired and they complete Form I-9. Company program administrators can modify the number of hiring sites that participate in E-Verify in each

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state. A participating hiring site means that an employer will create an E-Verify case for every newly hired employee who is hired and completes a Form I-9 at that site.

Company program administrators have the option to add hiring sites for a new state, edit the number of hiring sites in a state where the employer currently has participating hiring sites, or delete a state from the hiring site list.

TERMINATE COMPANY PARTICIPATION

According to the E-Verify User Manual:

Except for federal contractors required to participate, companies may voluntarily terminate participation in E-Verify. To terminate participation, a program administrator, corporate administrator, the signatory of the MOU, or an authorized employer representative must submit a termination request no later than 30-days in advance of the date the employer would like to close its account. Employers may request termination electronically through E-Verify or by submitting a written termination notice by e-mail. E-Verify employer agents should review the Supplemental Guide for E-Verify Employer Agents for more information on company account termination.

Employers must continue to use E-Verify during the 30-day period or until they receive an email confirming that the account is terminated, whichever is sooner. Employers are required to close all open E-Verify cases, even after the request to terminate the E-Verify account is made. After an account is terminated, the employer will no longer have access to any of its E-Verify account information or data. Employers should prepare a report to obtain that information prior to terminating their account.

Transportation Worker Identification Credential

At the July 27, 2017 city council meeting, members of the audience suggested allowing a Transportation Worker Identification Credential (TWIC) to be accepted for individual workers on the City's project in lieu of requiring the company to enroll in the E-Verify program. A local contractor opposed to the E-Verify program also suggested allowing TWIC to be used in lieu of the E-Verify program.

The TWIC program was established to enhance security at maritime facilities and involves checking four basic categories of eligibility for workers:

1. Disqualifying criminal offense identified in 49 CFR 1572.103
2. Immigration status and eligibility to work in the United States
3. Level of security threat
4. Court determined mental capacity or mental health concern.

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Obtaining a TWIC is a much longer process than checking a worker's employment status through E-Verify, it requires an application fee of \$125.25, and is valid for 5 years.

Allowing a worker's TWIC to replace the E-Verify program will introduce a greater administrative burden on city staff to verify TWIC status for every worker on a city project; whereas, the E-Verify program is managed by the contractor. Additionally, allowing TWIC for each worker in lieu of requiring the contractor to enroll in the E-Verify program only ensures individual workers on the City project meet immigration standards for work eligibility; it does not ensure the contractor hires only eligible workers for all projects performed out of the specific hiring site, which would likely include other projects besides the City's project. If the city council is interested in supporting broader national efforts to ensure the legal immigration status of workers, allowing TWIC in lieu of E-Verify reduces the effectiveness of the City's efforts.

Based on discussions at the city council meeting and certain council members' apparent desire to allow Transportation Worker Identification Credentials (TWIC) as an alternative to the E-Verify policy, staff developed a trial E-Verify/TWIC specification and issued an addendum to include these trial specifications in the Longview Police Station Remodel project currently advertised for bids.

Attached for your review are copies of the resolution, E-Verify policy, E-Verify program information, TWIC program information, and our trial project specifications.